

U.S. Application No. 09/806,989
Amendment dated October 25, 2005

Confirmation No. 7861

REMARKS

Applicant respectfully requests entry of the Amendment and reconsideration of the claims. Claim 1 has been amended to further clarify the invention. Support for the amendment is found throughout the specification, including at page 8, lines 11 to 15, and does not raise any issues of new matter. Applicant respectfully requests reconsideration and withdrawal of the pending rejections under 35 U.S.C. 112, first paragraph.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 1-3 and 19 under 35 U.S.C. § 112, first paragraph, for an alleged lack of enablement. The Examiner contends that the specification does not reasonably provide enablement for all types of compounds which fall within the scope of "nitric oxide donors".

The Examiner maintains the previous claim rejection under 35 U.S.C. § 112, first paragraph, set forth in paragraph 2 of the office action mailed Sept. 22, 2004, relating to the portion of the scope of enablement rejection addressing the limitation "nitric oxide donors". The Examiner stated that the scope of enablement in the disclosure does not bear "a reasonable correlation" to the scope of the claims. The Examiner stated that the term "NO donor" is broad term, which encompasses a vast number of compounds with NO donor activity. The Examiner acknowledged at page 2, paragraph 1, of the office action dated April 27, 2005, that the specification is "enabling for an NO donor compound such as SIN-1, SNAP, sodium nitrite, and nitroprusside". Solely to expedite prosecution, Claim 1 has been amended to define the nitric oxide donor compound as being selected from the group consisting of SIN-1, SNAP, sodium nitrite, and nitroprusside. In view of the present amendment, the rejection should now be moot.

In view of the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

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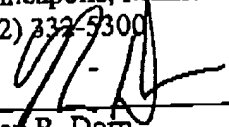
SUMMARY

In view of the above amendments and remarks, Applicants respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Brian R. Dorn
Reg. No. 57,395
BRD: RAD:mls

